



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
NORTHERN SECTION
1590 ADAMSON PARKWAY, SUITE 200
MORROW, GEORGIA 30260-1777

October 26, 2005

Regulatory Branch
200501828

JOINT PUBLIC NOTICE
Savannah District/State of Georgia

(Initially published under Permit No. 200311850, November 12, 2003)

The Savannah District has received an application for a Department of the Army Permit, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344), as follows:

Application Number: 200501828

Applicant: Butler Automotive
Attention: Mr. Marshall Butler
3960 Riverside Drive
Macon, Georgia 31210

Agent: Register Nelson Environmental Consultants
Attention: Mr. Butch Register
3949 Jodeco Road
McDonough, Georgia 30253

Location of Proposed Work: The proposed project site is located at the southwest corner of the intersection of Riverside Drive and Riverside Parkway, south of the interchange with Interstate-75, at latitude 32° 55' 0.98" north and longitude 83° 42' 32" west, in the City of Macon, Bibb County, Georgia.

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers: Butler Automotive, the applicant, proposes to relocate and pipe 997 linear feet of three intermittent streams to Beaverdam Creek to construct a car dealership on a 13.4 acre tract of property at Riverside Drive in the City of Macon, Bibb County, Georgia. The applicant proposes to construct two buildings, one 28,000 square foot new dealership store and a second 10,000 square foot used car dealership store, and associate amenities such as 643 parking spaces. The Piedmont Orthopedic Complex is located to the northwest of the tract, with Interstate-75 to the northeast.

The tract is comprised of rural forested land with moderately sloping topography. There are three intermittent streams and one perennial stream on the tract. Some 997 linear feet of the

three intermittent streams will be relocated and piped to allow construction of the two buildings and parking areas. The perennial stream on the west side of the property will not be impacted by the proposed project and is an unnamed tributary to Beaverdam Creek, which is a tributary to the Ocmulgee River. A sanitary sewer line intersects portions of the western property line and crosses the perennial stream at one location.

The applicant is proposing to mitigate for unavoidable impacts to the 997 linear feet of intermittent streams (4,487 stream credits) by restoring the stream channel and preserving a 200-foot riparian buffer on both sides along approximately 410 linear feet (3,793 stream credits) of an unnamed tributary to Yellow Creek in Monroe County

Prior to the approval of the purchase of wetland and/ or stream credits from a commercial mitigation bank as compensatory mitigation, an applicant must demonstrate through documentation to the USACE that the option of on-site and nearby within basin mitigation has been thoroughly investigated, with no potential sites located.

BACKGROUND

This Joint Public Notice announces a request for authorizations from both the US Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local governmental approval.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required by an applicant for a Federal Permit to conduct an activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Watershed Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for public use at a charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can also be seen in the Savannah District US Army Corps of Engineers, Regulatory Branch, Northern Section, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia which may be in the form of a license, easement, lease, permit, or other appropriate instrument.

US ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

Cultural Resources Assessment: Pursuant to Section 106 of the National Preservation Division Act of 1966, as amended, we request from the Georgia Historic Preservation Division or any other interested party information on whether any cultural resources that are listed or proposed for listing may be present in the area. Presently unknown archaeological, scientific, prehistorical, or historical data may be located at the site and could be affected by the proposed work.

In September 2003, the applicant performed a database search of the National Register Information System and the Georgia Archaeological Site File Search and determined that there are no listed cultural resources within a one mile radius of the proposed project site.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we request from the US Department of the Interior, Fish and Wildlife Service, and the US Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, or any other interested party, information on whether any species listed or proposed for listing may be present in the area.

In September 2003, the applicant performed an office review of the available resources to develop a list of potential federal and state listed species in Bibb County. Based a field site visit, the applicant determined that there is no potential habitat for the listed species.

Public Interest Review: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

Consideration of Public Comments: The US Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the US Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are

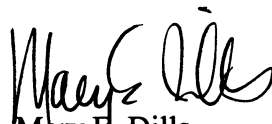
used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Application of Section 404(b)(1) Guidelines: The proposed activity involves the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army Permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Commander, US Army Corps of Engineers, Savannah District, Regulatory Branch, Northern Section, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777, no later than 30 days from the date of this notice. Please refer to the applicant's name (Butler Automotive) and the application number (200501828) in your comments.

If you have any further questions concerning this matter, please contact me at (678) 422-2727.



Mary E. Dills
Acting Chief, Northern Section

7 Enclosures

1. USGS Topographic Map
2. Proposed Site Plan
3. Wetland Areas & Proposed Pipe
4. Preferred Mitigation Site
5. Worksheet 1: Adverse Impacts
6. Worksheet 2: Stream Restoration
7. Worksheet 3: Riparian